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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 EVA VIOLAN, No. C 12-05739 WHA

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14 Plaintiff,

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16 v.

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18 ON LOK SENIOR HEALTH SERVICES, et al.,

19

20 Defendants.

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22 **ORDER APPROVING  
STIPULATED PROTECTIVE  
ORDER SUBJECT TO  
STATED CONDITIONS**

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29 The stipulated protective order submitted by the parties is hereby **APPROVED**, subject to  
30 the following conditions, including adherence to the Ninth Circuit's strict caution against  
31 sealing orders (as set out below):

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1 all other portions of your materials in the public file and clearly indicate therein  
2 where material has been redacted and sealed. Each filing requires an  
3 individualized sealing order; blanket prospective authorizations are no longer  
4 allowed by Civil Local Rule 79-5.

5 3. Chambers copies should include all material — both redacted and  
6 unredacted — so that chambers staff does not have to reassemble the whole brief  
7 or declaration. Although chambers copies should clearly designate which  
8 portions are confidential, chambers copies with confidential materials will be  
9 handled like all other chambers copies of materials without special restriction, and  
10 will typically be recycled, not shredded.

11 4. In *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006),  
12 the Ninth Circuit held that *more* than good cause, indeed, “compelling reasons”  
13 are required to seal documents used in dispositive motions, just as compelling  
14 reasons would be needed to justify a closure of a courtroom during trial.  
15 Otherwise, the Ninth Circuit held, public access to the work of the courts will be  
16 unduly compromised. Therefore, no request for a sealing order will be allowed  
17 on summary judgment motions (or other dispositive motions) unless the movant  
18 first shows a “compelling reason,” a substantially higher standard than “good  
19 cause.” This will be true regardless of any stipulation by the parties. *Counsel are*  
20 *warned that most summary judgment motions and supporting material should be*  
21 *completely open to public view.* Only social security numbers, names of  
22 juveniles, home addresses and phone numbers, and trade secrets of a compelling  
23 nature (like the recipe for Coca Cola, for example) will qualify. If the courtroom  
24 would not be closed for the information, nor should any summary judgment  
25 proceedings, which are, in effect, a substitute for trial. Motions *in limine* are also  
26 part of the trial and must likewise be laid bare absent compelling reasons. Please  
27 comply fully. Noncompliant submissions are liable to be stricken in  
28 their entirety.

1           5. Any confidential materials used openly in court hearings or trial  
2 will not be treated in any special manner absent a further order.

3           6. This order does not preclude any party from moving to  
4 undesignate information or documents that have been designated as confidential.  
5 The party seeking to designate material as confidential has the burden of  
6 establishing that the material is entitled to protection.

7           7. The Court will retain jurisdiction over disputes arising from the  
8 proposed and stipulated protective order for only **NINETY DAYS** after final  
9 termination of the action.

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11           **IT IS SO ORDERED.**

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13           Dated: May 17, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE